

BILL NO. Z-97-07-23

ZONING MAP ORDINANCE NO. Z-05-97

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. I-22.

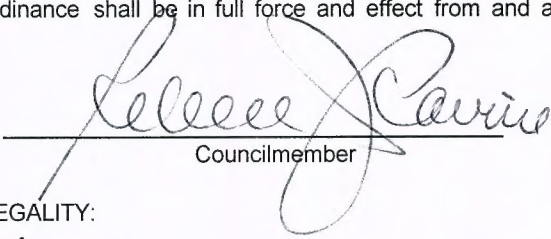
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-2 (General Industrial)  
District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:


Lot No. 36 in Centennial Industrial Park, Section VI according to the plat thereof, recorded in Plat  
Cabinet A, page 7.

and the symbols of the City of Fort Wayne Zoning Map No. I-22, as established by Section 157.016 of Title  
XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and  
approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Ravine,  
and duly adopted, read the second time by title and referred to the Committee on  
Regulations, (and the City Plan Commission for recommendation)  
and Public Hearing to be held after due legal notice, at the Common Council Conference  
Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_  
o'clock \_\_\_\_\_ M., E.S.T.

DATED: 7-22-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,  
and duly adopted, placed on its passage. PASSED  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BENDER	<u>✓</u>			
CRAWFORD				<u>✓</u>
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 8-12-97

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,  
as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_ (SPECIAL) \_\_\_\_\_

(ZONING) \_\_\_\_\_ ORDINANCE \_\_\_\_\_ RESOLUTION NO. 2-05-97  
on the 12th day of August, 1997

ATTEST: \_\_\_\_\_ SEAL \_\_\_\_\_  
Sandra E. Kennedy Thomas P. Henry  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the  
13th day of August, 1997,  
at the hour of 3:00 o'clock \_\_\_\_\_ M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day  
of August, 1997, at the hour of 3:30  
o'clock P M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR





# Petition for a Zoning Map Amendment

Receipt #18555

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We Charles D. Bash, Intermediary and Roebel Family Limited Partnership  
do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: M1

to a/an: M2

designation the property located at the common street address of: 3306 Cavalier Drive

and further described as follows: Lot No. 36 in Centennial Industrial Park, Section VI  
according to the plat thereof, recorded in Plat Cabinet A, page 7

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following: Fabricating, manu-  
facturing or processing industrial building and office

Record: Charles D. Bash, Intermediary  
Property Owner(s) Name(s): Equitable: Roebel Family Limited Partnership

Street Address: Swift & Finlayson, 803 S. Calhoun St., Suite 500

City: Fort Wayne State: Indiana

Zip Code: 46802 Phone: 423-4422

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Charles D. Bash Charles D. Bash 6/13/97  
Signature Printed Name Date

ROEBEL FAMILY LIMITED PARTNERSHIP

By William F. Roebel William F. Roebel, General Partner 6/13/97  
Signature Printed Name Date

\_\_\_\_\_  
Signature Printed Name Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

Charles D. Bash, Attorney

Swift & Finlayson

803 S. Calhoun St., Suite 500

Fort Wayne, IN 46802

423-4422

Telephone Number

Receipt #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Map #: \_\_\_\_\_

Reference #: \_\_\_\_\_

Name and Address of Equitable Owner:

Roebel Family Limited Partnership  
Attn: William F. Roebel, General Partner  
7337 W. Jefferson Blvd.  
Fort Wayne, IN 46804  
Telephone No. 436-7337



ATTACHMENT TO THE PETITION  
FOR A ZONING MAP AMENDMENT  
FILED BY CHARLES D. BASH, INTERMEDIARY  
AND ROEBEL FAMILY LIMITED PARTNERSHIP

A certificate of Survey of Lot 36 Centennial Industrial Park Section VI, dated November 15, 1996, by Kenneth W. Harris is included as Exhibit A.

Exhibit B is a copy of the current Zoning Map showing most of Lot 36 zoned M1, but the Northern corner of Lot 36 already zoned M2, as is the property North of Lot 36, both across the street and on the same side of the street.

Exhibit C is a proposed site plan for a possible fabricating plant and office, and potential expansion, which might be built upon Lot 36 if the Zoning Map Amendment is approved.

Exhibit D is a map showing the area surrounding Lot 36 and some of the existing owners/users of nearby Lots. As can be seen, a fabricating plant on Lot 36 would be very much in keeping with the current uses of Lots in the area.

Exhibit E is a map of utility lines in the vicinity of Lot 36. If the possible expansion of the building is done, certain lines will have to be rerouted. The owner of Lot 36 will make arrangements to do that if and when expansion is done.

The current zoning of M1 would permit use of Lot 36 for any use permitted in an M2 district provided the use does not occupy an area in excess of 15,000 square feet. The proposed use includes construction of a building in excess of that size, which would then be rented to a user. Thus, the significance of rezoning is only to allow construction of a larger structure and to allow the land owner more freedom in renting the building than if a variance is given for one specific tenant. Any use made would be in accord with the limitations of M2 Zoning which is the Zoning for much of the neighboring area and any recorded restrictions on the property.



Community & Economic Development  
Department of Planning / Land Use Management  
1 Main Street, Rm 830 - Fort Wayne In 46802  
(219) 427-1140

Procedure for filing and processing a zoning map amendment

**Filing:**

- Petition is to be filed with the original and one (1) copy in the City Plan Commission Office no later than noon on the filing deadline. Schedules of meeting dates and filing deadlines are available in our office.
- Fee: \$300.00
- Petitioner must supply a licensed survey of the property in question. Petitioner must also indicate the current zoning classification and the requested classification. The petition must be signed by the owners of record of over fifty percent (50%) of the land contained in the petition.
- The applicants name, address and telephone number must be included.
- The petition should be typed or printed on the appropriate form. All information must be readable, including any copied material that is submitted.

**Processing of petition:**

- The petition is placed in ordinance form by the Land Use Management staff and is introduced to Common Council where it receives its first and second readings and is then referred to the Committee on Regulations and the Fort Wayne City Plan Commission for study and recommendation.
- The Fort Wayne City Plan Commission will schedule and hold a public hearing on the proposed ordinance. Filing of the petition grants the City of Fort Wayne permission to post "Official Notice" on the property.
- The Fort Wayne City Plan Commission will review the proposed change at a business meeting one (1) week following the public hearing and will make a recommendation to the Common Council.
- The recommendation will be certified and sent to Common Council within ten days of the Plan Commission's action.
- Upon receipt of the certified recommendation, and the recommendation of the Committee on Regulations, Common Council will act on the ordinance at its third and final reading.
- The ordinance is then presented to the Mayor for his approval and signature.



## EXHIBIT A

# CERTIFICATE OF SURVEY

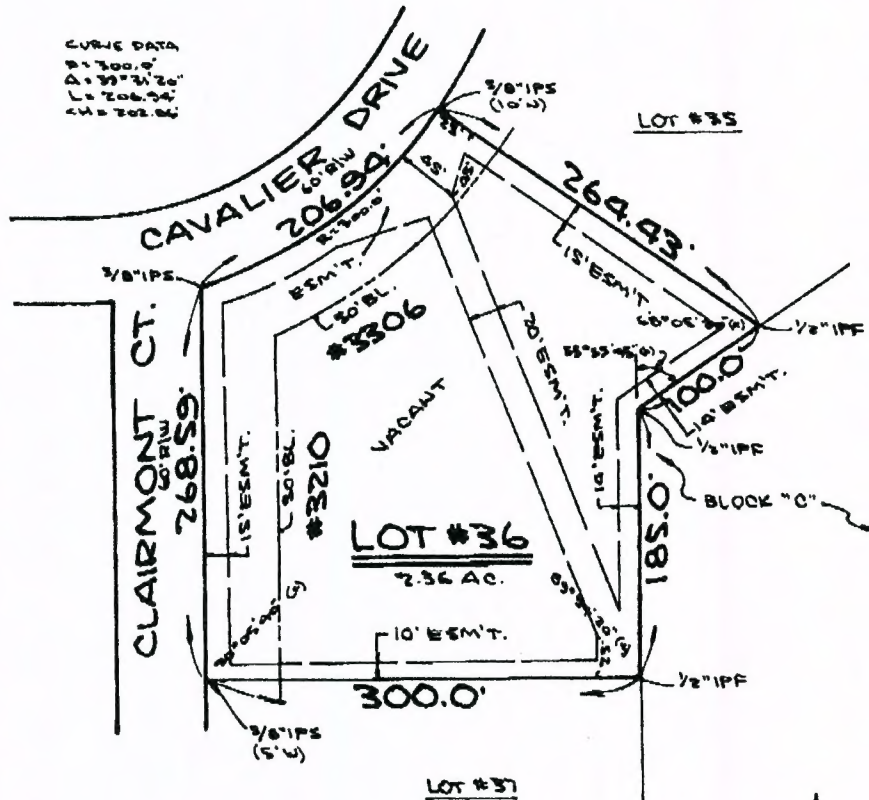
GREGORY L. ROBERTS PLS S0548 IN  
KENNETH W. HARRIS PLS 9500021 IN

**DONOVAN ENGINEERING INC  
2020 INWOOD DRIVE  
EXECUTIVE PARK  
FORT WAYNE, INDIANA 46815**

JOHN R. DONOVAN PE 9173 PLS 9921 IN  
FRANCIS X. MUELLER PLS 50193 IN

The undersigned has made a re-survey of the real estate located in ALLEN County, Indiana, as shown and described below. The description of the real estate is as follows:

Lot numbered 36 in Centennial Industrial Park Section VI as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0260 E, dated Feb. 16, 1995, the herein described real estate is located in Zone "X" and is not within the 100 year flood hazard area. The accuracy of this flood hazard statement is subject to map scale uncertainty.

Job No. 36CEN                      Date \_\_\_\_\_  
Job for: CENTENNIAL DEV. CORP.  
ROEBEL FAMILY LIMITED  
PARTNERSHIP

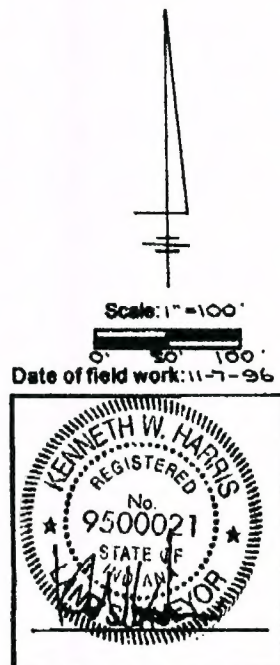
Date: 11-15-96

### LEGEND

IPF	Iron Pin Found
PF	Iron Pipe Found
IPS	5/8" re-bar w/et (with cap stamped 80027)
PK	P.K. Nail
(M)	Measured
(R)	Recorded
(C)	Calculated

All monuments are at grade except as noted  
 All property line distances are recorded  
 dimensions, except as noted  
 Monuments found have no documented history,  
 except as noted

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 885 IAC 1-12.



**SURVEYOR'S REPORT**

Date: 11-15-96 **DONOVAN ENGINEERING, INC.**  
2020 Inwood Drive  
Job for: Centennial Dev. Corp. - Roebel Family Executive Park  
Limited Partnership Fort Wayne, Indiana 46815  
Legal Description: Lot #36 Centennial Industrial Park  
Address: 3306 Cavalier Drive

1) In accordance with Title 865, Article 1, Rule 12, Section 1 through 29, of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- A) Random Errors in Measurement (Theoretical Uncertainty);
  - B) Variances in the reference monuments;
  - C) Discrepancies in record descriptions and plats;
  - D) Inconsistencies in lines of occupation;
- A) The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established on this survey is within the specifications for a Class C Survey ( 0.5 feet) as defined in IAC 865.
- B) No variances in the reference monuments.
- C) No discrepancies in record descriptions and plats.
- D) No inconsistencies in lines of occupation.

The commitment for title insurance was not provided at the time of this report. An abstract or title search may reveal additional information affecting this property. This survey is subject to any facts and or easements that may be disclosed by said full and accurate title search. Donovan Engineering, Inc. should be notified of any additions or revisions that may be required.

2) Distances between property corners conform to the dimensions on the recorded plat.

The NW and North property corners are located 18.0 feet SE of the 24.0 foot wide pavement of Cavalier Drive.

The NW and SW property corner is located 18.0 feet East of the 24.0 foot wide pavement of Clairmont Ct.

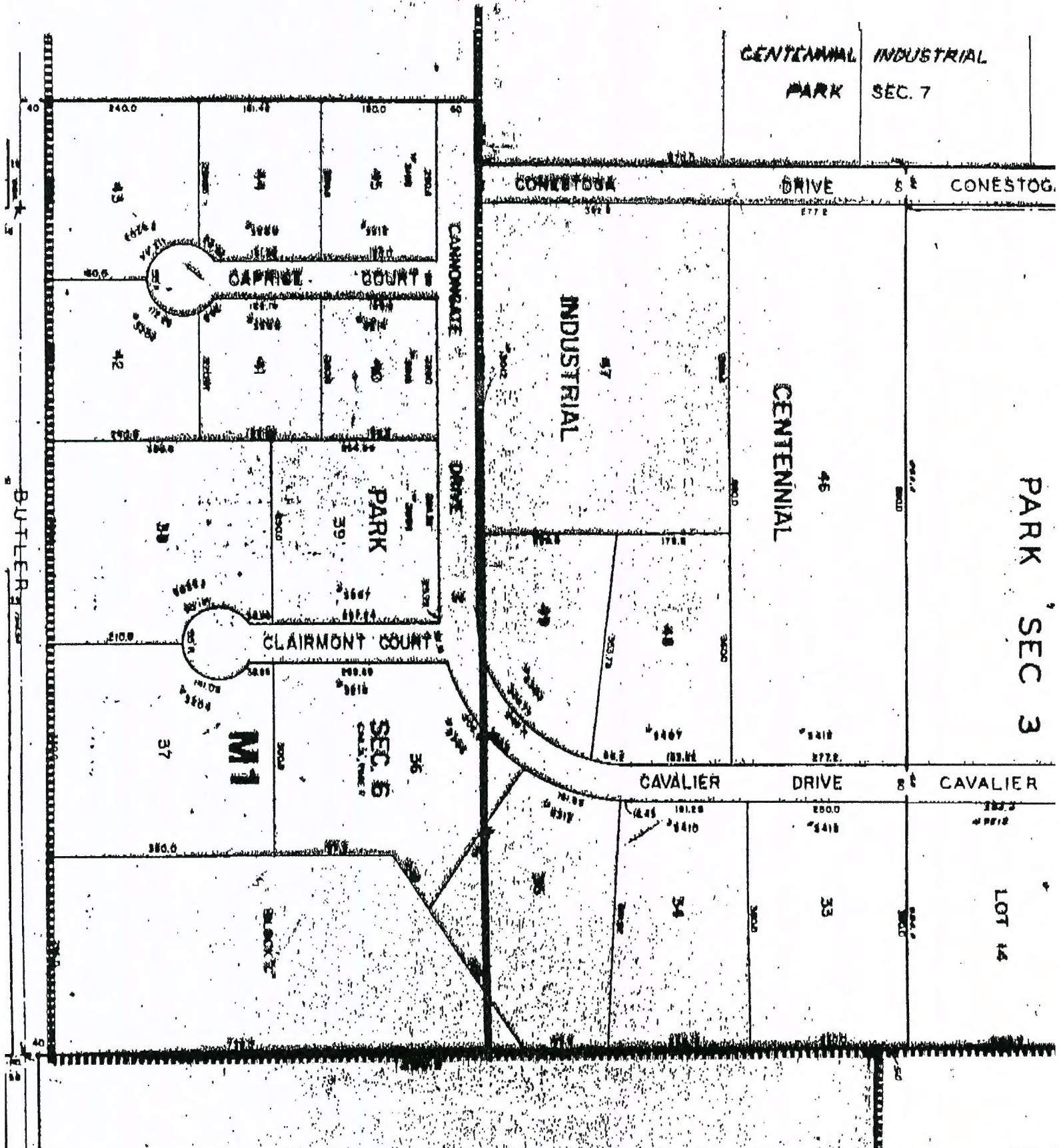
The SW property corner is located 38.85 feet (measured and plat) North of a 1/2" iron pin found at the head of the cul-de-sac.

The SE property corner is located 350.0 feet (measured and plat) North of 1/2" iron pin found at the SE corner of Lot #37.

The NE property corner is located 256.13 feet (measured and plat) SW of a 1/2" iron pin found at the SE corner of Lot #35.

The pins set at the SW and North property corners are offset as shown due to drainage ditches.





The drawing is a technical site plan or floor plan of a building. It features a large rectangular main structure with a smaller rectangular extension on the right side. The main structure is labeled with dimensions: 100' x 100'. The extension is labeled with dimensions: 20' x 20'. There are various lines, including solid, dashed, and dotted lines, representing different types of boundaries or features. A north arrow is located in the upper right corner. The drawing is oriented horizontally on the page.





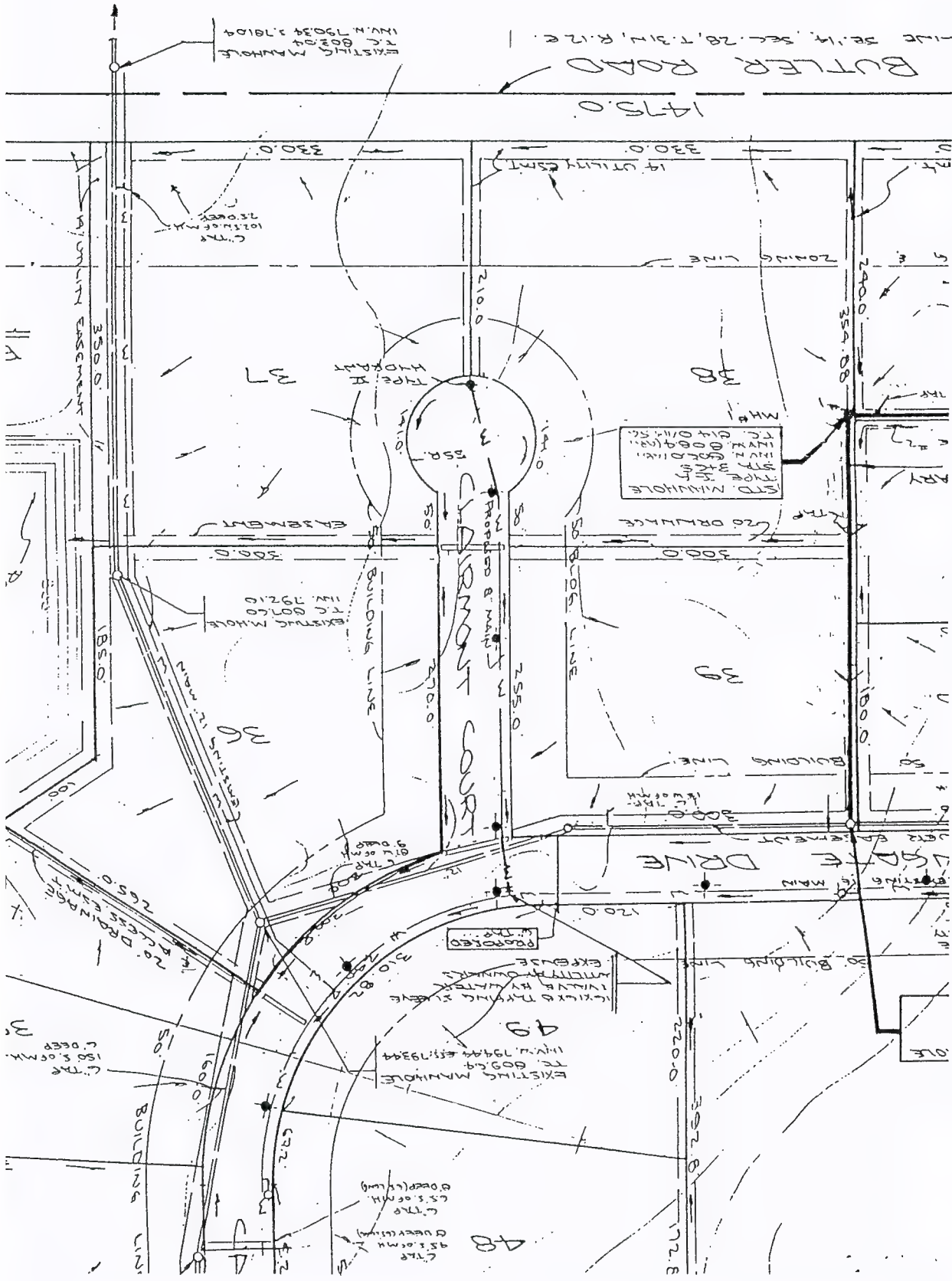


EXHIBIT E



## RESOLUTION OF ZONING MAP AMENDMENT RECOMMENDATION

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on March 11, 1997 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-97-07-23; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on July 21, 1997.

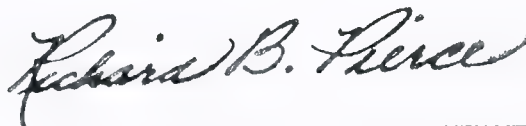
**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

- 1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish an undesirable precedent in the area.
- 2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The parcel is located in an industrial park, and is surrounded by other parcels within the park.
- 3) Approval is consistent with the preservation of property values in the area. The site is located well away from any non-residential development, and is further restricted by the private covenant placed on the acreage in 1984.
- 4) Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 21, 1997.

Certified and signed this  
31st day of July 1997.



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Richard Pierce  
Secretary

# FACT SHEET

Z-97-07-23

BILL NUMBER

## Division of Community Development & Planning

**BRIEF TITLE**

Zoning Map Amendment

**APPROVAL DEADLINE****REASON**

From M-1 to M-2

**DETAILS****Specific Location and/or Address**

3306 Cavalier Dr

**Reason for Project**

Future development of site.

**Discussion (Including relationship to other Council actions)**21 July 1997 - Public Hearing

Charles Bash, attorney for the petitioners appeared before the Commission. Mr. Bash stated that they were requesting the rezoning of this property to make it more marketable. He stated that this is a large parcel, 1.8 acres of land. He stated that a small portion of this property is already zoned M-2, and that the property to the north of this parcel is already M-2. He stated that the only difference in the zoning M-1 is the size of structure(s) allowed on the property. All other uses allowed in the M-2 are also allowed in the M-1. The M-1 zoning restricts the size of structure(s) to 15,000 square feet. He stated that this parcel is large enough to accommodate a larger structure and they feel it will allow them more flexibility if this property were rezoned to allow a larger development. He stated that they currently do not have a tenant, but when a tenant is lined up they do not want to have to go through a variance to waive the size of the structure.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**Applicant(s)  
Roebel Family Ltd Partner-  
ship  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as  
amended) ☐ Hold☐ Council Sub. ☐ Do not pass



DETAILS

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

28 July 1997 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, the Chair did not vote.

Motion Carried.

Members Present: Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Charles McNagney, Richard Pierce, Thomas Quirk, Dave Ross

Member Absent: Linda Buskirk

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 16 June 1997

Projected Completion or Occupancy Date 30 July 1997

Fact Sheet Prepared by Patricia Biancaniello Date 30 July 1997

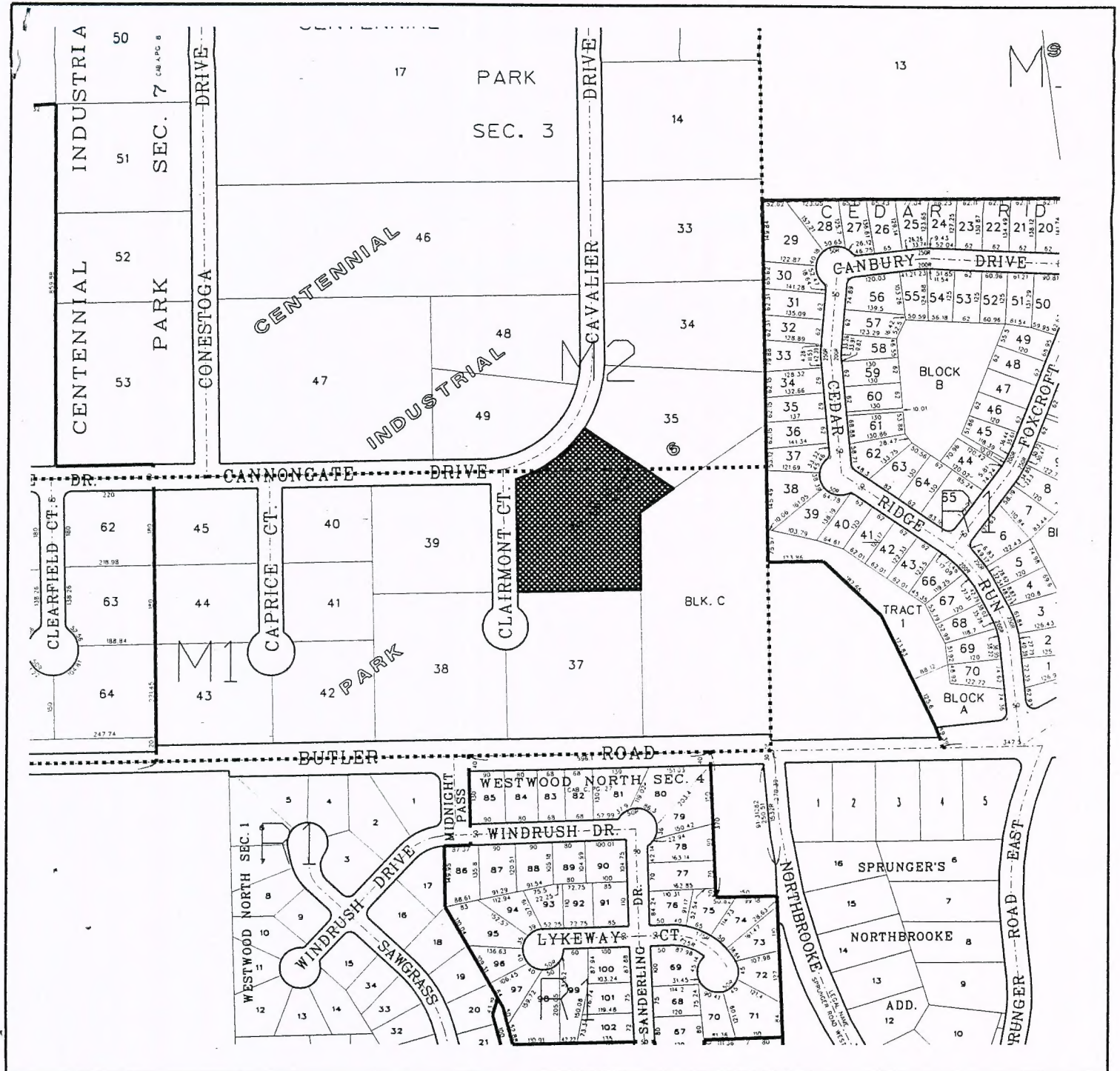
Reviewed by  Date 4 August 1997

Reference or Case Number

# REZONING PETITION

AREA MAP

CASE NO. \*630



COUNCILMANIC DISTRICT NO. 3

MAP NO. 1-22



#630

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3306 Cavalier Drive

2-97-07-23

EFFECT OF PASSAGE Property is currently zoned M-1 - Light Industrial District. Property will become zoned M-2 - General Industrial District.

EFFECT OF NON-PASSAGE Property will remain an M-1 - Light Industrial District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

BILL NO. Z-97-07-23

REPORT OF THE COMMITTEE ON REGULATIONS

REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) amending the City of  
Fort Wayne Zoning Map No. I-22

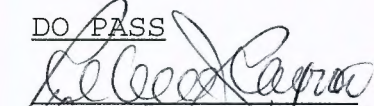
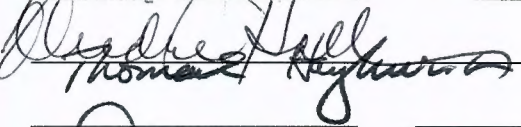
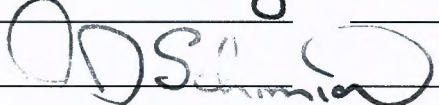
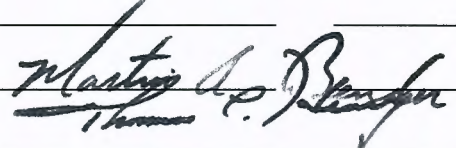
HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~XXXXXXXXXX~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 8-12-97

Sandra E. Kennedy  
City Clerk